

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RUSSELL PERCY DUNHAM,

Plaintiff,
v. Case No. 13-10001

PARVEEN A. MALIK, et al., HON. TERRENCE G. BERG
Defendants. HON. PAUL J. KOMIVES

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Paul J. Komives's Report and Recommendation of December 10, 2013, (Dkt. 95) recommending that the Court: (1) deny without prejudice Defendants' motion to dismiss (Dkt. 18); (2) deem the motion moot to the extent it seeks dismissal of Counts II and III against the Corizon defendants (*see* Dkt. 18 at 2 ¶¶ 2, 3); (3) deny the motion without prejudice to the extent it seeks dismissal of portions of Count I (*see* Dkt. 18 at 2 ¶ 4); and (4) require plaintiff to file a more definite statement in the form of a second amended complaint.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither

party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). The Court has reviewed and will accept the Magistrate Judge's Report and Recommendation of December 10, 2013, (Dkt. 95) as the findings and conclusions of this court.

Accordingly, it is hereby ORDERED that Magistrate Judge Komives's Report and Recommendation of December 10, 2013, (Dkt. 95) is ACCEPTED and ADOPTED.

It is FURTHER ORDERED that Defendants' motion to dismiss (Dkt. 18) is DENIED WITHOUT PREJUDICE, that the motion is MOOT as to Counts II and III against the Corizon defendants, and that the moved for dismissal of portions of Count I is DENIED WITHOUT PREJUDICE.

It is FURTHER ORDERED that Plaintiff must file a more definite statement in the form of a second amended complaint on or before February 10, 2014.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: January 10, 2014

Certificate of Service

I hereby certify that this Order was electronically submitted on January 10, 2014, using the CM/ECF system, which will send notification to each party.

By: s/A. Chubb
Case Manager